

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

2020 JUL -2 PM 3:30
DEPUTY CLERK *[Signature]*

ELMIRA L. WILLIAMS

PLAINTIFF,

V.

CRAWFORD & CO,

DEFENDANTS.

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No. 3:20-CV-1553-E-BH

Amended *sw*

PLAINTIFF'S ORIGINAL COMPLAINT FOR DAMAGES

TO THE HONORABLE COURT:

NOW COMES, Plaintiff, Elmira L. Williams, hereinafter called ("Plaintiff"), files this Original Complaint complaining of and about CRAWFORD & CO, hereinafter called ("Crawford"), and for cause of action shows unto the Court the following:

I. PARTIES

1.1 Plaintiff, Elmira L. Williams, is a citizen, Texas of the United States, and the State of Texas and resides in Collin County.

1.2 Defendants, Crawford & Company is a business and may be served by their authorized agent to accept services at 5335 Triangle Pkwy NW, Peachtree Corners, GA 30092.

II. JURISDICTION AND VENUE

2.1 This action arises under Title 1 of the Americans with Disabilities Act of 1990, as amended 42 U.S.C. § 12111 OF 1990, et seq., section 503(e). Americans with Disabilities Act, Retaliation.

NATURE OF ACTION

This is an employment discrimination action, brought on behalf of Elmira L. Williams, alleging Americans with Disabilities Act of 1990, as amended section 503(e), Americans with Disabilities, and violation of The Family Medical Leave Act, 29 U.S. C. § 2617(a(2)). Plaintiff further seeks a mixed motive theory for her termination.

CONDITIONS PRECEDENT:

All conditions precedent to jurisdiction have occurred or been complied with; a charge of discrimination was filed with the Equal Employment Opportunity Commission within three-hundred days of the acts complained of herein. The issued a Letter of Determination, finding that discrimination and retaliation had occurred against Plaintiff. This lawsuit is being filed within ninety days f Plaintiff's receipt of the EEOC's issuance of a right to sue letter. Plaintiff's Letter of Determination and Right to Sue are attached hereto Exhibit "A" and incorporated by reference herein.

III. FACTUAL BACKGROUND

On or about September 28, 2019, I started to experience hostile work environment that consisted of unlawful workplace discrimination, by way of Sex Harassment, HIPPA Violation, America Disability Act. Site manager, Sandra Sleeper by made it very difficult to work in a comfortable workplace environment. Sandra targeted

African American employees, she addressed me and other blacks on the floor with harmful and offensive comments or actions. On or about October 9, 2019, Sandra addressed me with inappropriate remarks in the presence of my coworkers to include, degrading vocabulary. She specially ignored me when I asked if I could speak with her. I asked Sandra if she was aware of employee Ron's sexually remarks being made towards me and other black females. Sandra advised that she did not hear a thing regarding the sexual remarks. On or about 10/24/2019, I was confronted by Sandra Sleeper about a prior lunch break. She advised that whenever I have to be out from work to go to the doctor, I am to shave off the time form my lunch hour, even if it mean working the 10 hour days without a lunch break. To explain: If anytime out from work, Sandra demanded it to be made up by not taking 15-minute breaks and 1 hour lunch breaks. I anonymously called Crawford Human Resource to ask was it okay to have a manger demand that employees work through the allowed lunch hour. Human Resource asked for my name but did not answer my question. I disconnected from the call.

On or about November 7, 2019, Sandra Sleeper, walked onto the floor and a loudly stated to me and another black female that she can fill any sit in one day because she got plenty of I adjuster waiting to take our seats. I asked Sandra if I could speak to her in private, she did acknowledge that I could. I asked, "Sandra, why do you feel the need to discriminate against me?" Sandra stated, "I am the manger, and you want to be the manger, but it's whatever I say!" She then walked off abruptly.

For each alleged protected characterizes, provided the following information:

Whether the protected characteristics was alleged in your initial charge of discrimination, yes. Manager referring to constant discrediting, use of inappropriate behavior and intimidation that I have been experiencing from Sandra upon taking this new assignment. Presenting harsh or unnecessarily critical towards me. Favoritism to certain employees; Ron and Steve to come in late daily and sit in on employee review. Sandra take part in inappropriate conversation as well with subordinates, finding it to be amusing. During a staff huddle Sandra overheard a male, Ron Norman make a sexual gesture for me to sit in his lap. Sandra brushed it off and stated I am walking away; I did not hear anything.

On December 02, 2019, I received an IM message form State Farm vendor manager advising me that she was working a claim that I completed a reopen task in. Which she did not see the value in me working reopen claims. I explained to the Team Manager that working reopen claims were one of our work directives. The Team Manager advised me to continue to work the reopen claim task and to speak to my manager Sandra Sleeper if any questions. I left early on December 02, 2019 to go to the doctor concerning my vertigo, so I did not get the chance to speak to Sandra about the Team Manager reaching out to me about reopen claim task. My doctor took me off work for two days, due to my vertigo and stress level. I texted my manager Sandra to advise her of not being able to return to work. Sandra sent me a very inappropriate text about a doctor's excuse. Upon my return to work on December 04, 2019, I was called into a meeting with two other managers that were working with Sandra and advised

that I was being terminated due to working reopen claims. I stated to the managers, "Wait, I am being terminated due to the work directives from manager Sandra, and if that is the case every employee work reopens claims per work directive. I stated that per Sandra we are to work reopen claims when working with customer on the phone in order to multitask. I have documentation showing where Ron and Steve worked an astronomical amount of reopen claim, however, were not terminated. This was all retaliation after I reported sexual harassment, HIPPA violation, hostile environment and labor laws to the Human Resource, Vice President, and CEO. Human Resource sent Laurie Doucet, Crawford Catastrophe Services Training Manager to investigate. Laurie meet with all employees with Sandra in the meeting to address any concerns. Nothing was said in the presence of Sandra, so Laurie then advised that she would meet with each employee individually, November 19, 2019. However, an investigation was never properly conducted. Because though she was informed of the sexual misconduct of Ron, she advised that a lot of people say things that they should not say. Ron was away from work for two days then brought right back like he had never offend black females at the workplace. Shortly after Melanie form HR sent an email on November 22, 2019 that the investigation was complete. Shortly after I was wrongfully terminated, Sandra harassed an adjuster from another vendor who in turn reported the incident to State Farm and Crawford and Company, that later led to Sandra Sleeper's termination.

Based upon the facts herein, Plaintiff has suffered damages for which she now sues for damages.

ADA DISCRIMINATION/FMLA VIOALTION:

Plaintiff incorporates by reference paragraphs 1 – through 26, as fully stated verbatim herein.

The Plaintiff asserts that she is qualified person with disability, she was Plaintiff' discriminated based on her disability and or perceived disability, and her disability, substantially limits one or more of life's major actives.

There is a record of Plaintiff's impairment in her personal file, as reflected by her time off from work, and required FML approval. Even more, the Defendant regarded

Plaintiff maintains, this which was a factor used as a basis her termination. Because of the Defendant's actions, Plaintiff suffered damages, for which she now sues for damages.

ADA RETALIATION BY CRAWFORD & CO:

Plaintiff incorporates by reference paragraphs 1 – through 26, as fully stated verbatim herein.

Plaintiff hereby alleges that the Defendant instituted a campaign of retaliation, in violation of the ADA 42 U.S.C. 1220, which included because Plaintiff's termination for opposing and complaining of unlawful discriminatory practices.

This retaliation was due to Plaintiff exercising her rights by opposing unlawful employment practice, and for engaging in protected activity. The EEOC also agrees that Plaintiff was retaliated against.

Because of the Defendant's actions, Plaintiff suffered damages for which she sues herein.

FLA RETALITATION BY CRAWFORD & CO:

Plaintiff incorporates by reference paragraphs 1 - through 26, as fully stated verbatim herein.

Plaintiff hereby alleges that the Defendant instituted a campaign of retaliation, because Plaintiff exercised her federally protected right, pursuant to The Family Medical Leave Act (FMLA, 29 U.S.C. § 2615 & 2617(a)(1). Plaintiff maintains, this which was a factor used as a basis for her termination.

This retaliation was due to Plaintiff exercising her rights by opposing unlawful employment practice, and for engaging in protected activity. The EEOC also agrees that Plaintiff was retaliated against.

Because of the Defendant's actions, Plaintiff suffered damages for which she sues herein.

DAMGES:

Plaintiff incorporates by reference paragraphs 1 - through 30, as fully stated verbatim herein. Plaintiff sustained the following damages because of the actions and/or omission of Defendants described herein above:

A mandatory injunction enjoyment the Defendant from continuing to violate to ADA;

All reasonable and necessary Attorney's fees incurred by or on behalf of Plaintiff.

Back pay in an amount to compensate Plaintiff as the Court deems equitable and just;

All reasonable and necessary costs incurred in pursuit of this suit;

Emotional pain;

Expert fees as the Court deems appropriate;

Front pay in an amount the Court deems equitable and just to make Plaintiff whole;

Liquidated Damages;

Interest;

Loss of enjoyment of life

Mental anguish in the past

Mental anguish in the future

Loss of earning in the past

Loss of earning capacity which will, in all probability, be incurred in the further;

and

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Elmira L. Williams, respectfully prays that the Defendant, be cited to appear and answer herein, and that upon a final hearing of the cause, judgement be entered for he Plaintiff against Defendants for damages in an amount within the jurisdictional limits of the Court; liquidated damages, together with interest as allowed by law; costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

STATE OF TEXAS

COUNTY OF COLLIN COUNTY

VERIFICATION

I understand that a false statement or answer to any interrogatory in this cause of action will subject me to penalties for perjury. I declare (or certify, verify or state) under penalty of perjury that the forgoing answers are true and correct. 28 U.S.C. § 1746.

SIGNED on this 2nd day of July, 2020.

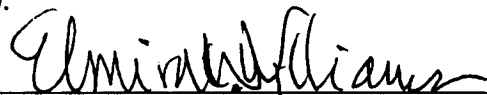
Brandy L. Moore
(Signature of Plaintiff)



Plaintiff also demands the right to amend this complaint as warranted by further evidence and facts finding.

**I DECLARE UNDER PENALTY OF PREJURY THE FOREGOING IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE.**

DATED this 2nd day of July, 2020.


Original Signature
Elmira L. Williams

In Proper Person

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 450-2020-016784	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC <i>State or local Agency, if any</i>			
Name (Indicate Mr., Ms., Mrs.) MS. ELMIRA L WILLIAMS		Home Phone (469) 316-2507	Year of Birth
Street Address City, State and ZIP Code 3825 MAPLESHADE LN APT 5112, DALLAS, TX 75287			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CRAWFORD		No. Employees, Members Unknown	Phone No. (404) 300-1000
Street Address City, State and ZIP Code 5335 TRIANGLE PKWY, PEACHTREE CORNERS, GA 30092			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 09-01-2019 12-04-2019 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): PERSONAL HARM: During my employment with the above-named Respondent, I was subjected to sexual harassment. I complained; however, the sexual harassment did not stop. Additionally, I and other similarly situated Blacks were harassed, subjected to different terms and conditions of employment and were subjected to disparate treatment by supervisor Sandra Sleeper. I also suffered harassment from management based on my disability. On December 03, 2019, I texted my supervisor Sandra Sleeper informing her I could not come to work due to my disability. I was discharged the very next day. RESPONDENTS REASON FOR ADVERSE ACTION: None given. DISCRIMINATION STATEMENT: I believe that I have been discriminated against because of my race (Black), in violation of Title VII of the Civil Rights Act of 1964, as amended. I believe that I have been retaliated against in violation of Section			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Digitally signed by Elmira Williams on 02-28-2020 11:44 AM EST		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EEOC Form 5 (11/09)

<p align="center">CHARGE OF DISCRIMINATION</p> <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p><input type="checkbox"/> FEPA</p> <p><input checked="" type="checkbox"/> EEOC 450-2020-01678</p>
<p align="center">TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC</p> <p align="center"><i>State or local Agency, if any</i></p>	
<p>704(a) of Title VII of the Civil Rights Act of 1964, as amended. I believe that I have been discriminated against because of my disability, in violation of the Americans with Disabilities Act of 1990, as amended.</p>	

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY - <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p align="center">Digitally signed by Elmira Williams on 02-28-2020 11:44 AM EST</p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

- 1. FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
- 2. AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
- 3. PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
- 4. ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
- 5. WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation,

proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

Tues, June 30, 2020

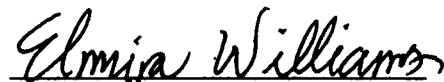
Crawford & Co
5335 Triangle Pkwy NW
Peachtree Corners, GA 30092

RE: NOTICE OF INTENT TO SUE

Attention Human Resource:

I am writing this letter as a notice of intent to sue. For the cause of Sexual harassment, HIPA violations, Discrimination, and America Disability Act.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Elmira Williams".

Elmira Williams
3825 Mapleshade Ln #5112
Plano, Texas 75075

CC: Melanie Busch

Griffin Rogers

Thomas Brocksmith